

## Involuntary Transfers

### 6.000 Removal of Vehicles Under Local Abatement Procedure (VC §§22660, 22661, 22662)

A local ordinance to establish procedures for the abatement and removal of abandoned, wrecked, dismantled, or inoperable vehicles or major parts from private or public property may be adopted by a city, county, or city and county.

A public agency that removes one of these vehicles or major parts must:

1. Issue a 10-day notice of intention to abate and remove the vehicle or parts. The 10-day notice **is not** required if:

The property owner and owner of the vehicle signs a release authorizing removal and waives further interest in the vehicle or part, **or**

The vehicle is inoperable due to the absence of motor, transmission, or wheels; is incapable of being towed; and, is valued at less than \$200, is a public nuisance, and the property owner signs a release authorizing removal and waives interest in the vehicle.

2. Within 5 days of removal of an abandoned vehicle, submit to the department a Notice of Removal of Abandoned Vehicle (REG 104).
3. Surrender to the department any evidence of registration such as:
  - Registration Card
  - Certificate of Title
  - License plates or Notice of License Plate Destruction (middle portion of the REG 42)
4. Dismantle the vehicle or dispose of it at a licensed dismantler or a scrap yard.



*A Report of Vehicle to be Dismantled (REG 42) is not required, provided a copy of the Authorization to Dispose of a Vehicle (REG 462) is maintained as part of the dismantler's business records.*



*A vehicle removed under the abatement procedure may not be reconstructed or made operable unless it qualifies for Horseless Carriage or Historical Vehicle license plates. (VC §5004)*

**Exception:** If a local ordinance has an abatement program under VC §22710 (Service Authority for Abatement of Abandoned Vehicles) and all reporting requirements have been met, local authorities may give abandoned vehicles to a correctional institution. The institution must have a program under the consent of the Director of Corrections for their inmates to restore and rebuild donated salvageable and abandoned vehicles. (VC §22711)

#### **6.010 Removal of Abandoned Vehicles (VC §22669)**

Any peace officer, or other person designated in VC §22669 (Removal of Abandoned Vehicles), who has reasonable grounds to believe a vehicle is abandoned, may remove it from a highway or from public or private property.

Vehicles that are parked, resting, or otherwise immobilized on any highway or public right-of-way, and that lack an engine, transmission, wheels, tire, doors, windshield, or any part or equipment needed to operate safely on the highway may be removed immediately upon discovery by a peace officer or other designated state, county, or city employee.

Dismantlers who acquire these vehicles from a public agency are exempt from paying any fees or penalties that may have accrued for this vehicle. Dismantlers are also exempt from filing a Dismantler's Notice of Acquisition (REG 42), lower portion; however, they must submit the Report of Vehicle to be Dismantled (REG 42), top portion, in the usual manner.



*Vehicles removed under this section may not be reconstructed or made operable unless the vehicle qualifies for Horseless Carriage or Historical Vehicle license plates. (VC §5004)*

### 6.020 Disposition of Abandoned Low Value Vehicles \$500 or Less (VC §22851.3)

Whenever a peace officer, or any authorized employee of a public agency authorized pursuant to VC §22669, removes or causes the removal of an abandoned vehicle and the public agency (or at the request of the public agency, the lienholder<sup>1</sup>) determines the estimated value of the vehicle to be \$500 or less, the **public agency shall**:

Step	Action
1	At least 72 hours before the vehicle is removed, securely attach a distinctive notice stating the vehicle will be removed by the public agency. If the vehicle lacks equipment (engine, wheels, etc.) to operate safely on the highways, it may be removed immediately upon discovery without posting the notice by: <ul style="list-style-type: none"> <li>• a peace officer</li> <li>or</li> <li>• other designated employee of the state, county, or city. (VC §22669[d])</li> </ul>
2	Immediately after the vehicle is removed, notify the Stolen Vehicle Unit of the Department of Justice in Sacramento of the vehicle removal. (See §3.010)
3	Prepare a Public Agency Authorization to Dispose of a Vehicle (REG 462). This should be given to the tow company 15 days after the notification to interested persons. If the vehicle is in such condition that there is no means of determining ownership, the public agency which removed the vehicle may give authorization to immediately dispose of the vehicle.



*Low value abandoned vehicles may be disposed of by a licensed dismantler or scrap iron processor only.*

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1. The lienholder in this instance is the person or entity who has interest in the vehicle due to storage and/or towing costs.

The public agency must give the following items to the dismantler (for submission to DMV) or the scrap iron processor to authorize disposal of an abandoned vehicle valued at \$500 or less:

1. The white and pink copies of the REG 462, Public Agency Authorization of Disposal of Vehicle (to be forwarded to the licensed dismantler within 5 days of delivery of vehicle to the dismantler).
  - The REG 462 must be completed and signed by the officer authorizing the disposal.
  - The box for VC §22851.3 must be checked.
  - The box for the date of notification must be marked.

<i>If...</i>	<i>then the...</i>
a 72-hour notice was posted on the vehicle	first box must be checked.
a notice was not required per (VC §22669[d])	second box must be checked.
DMV had no record of the vehicle <b>or</b> the towing company notified the owner and completed a Miscellaneous Statements of Fact (REG 256) to that effect	notification date may <b>not</b> be checked. (The Statement of Facts must accompany the REG 462.)

2. When the public agency has the lienholder (tow company) notify all of the interested persons, the lienholder must:
  - Submit a duplicate of the completed copy of the Notice of Intent to Dispose of a Vehicle Valued at \$500 or Less Removed by a Public Agency (REG 684). When there is more than one Notice of Release of Liability on the DMV record, only the latest owner must be notified.
  - Complete the Statement of Facts for Vehicles Valued at \$500 or Less Removed by a Public Agency (REG 686), identifying each person notified.

The date the notification was mailed must be within 48 hours of removal, excluding weekends and holidays.

The certified mail receipt number must be recorded on the form and the receipt attached.



*Vehicles removed by public agencies under VC §22851.3, Disposition of Abandoned Low-Value Vehicles, must be dismantled and may not be reconstructed or made operable unless the vehicle qualifies for Horseless Carriage or Historical plates. (VC §5004)*

Licensed dismantlers acquiring these vehicles are not required to submit a Notice of Acquisition, however, they must complete the Report of Vehicle to be Dismantled (REG 42).

**6.030 Disposition of Low-Valued Vehicles Removed for Reasons Other than Abandonment (VC §22851.2)**

If a vehicle is determined to have a value not exceeding \$500, the public agency which removed the vehicle shall do the following:

- Within 48 hours after removal of the vehicle, notify the Department of Justice at:  
Department of Justice  
Bureau of Information Services  
Stolen Vehicle Unit  
PO Box 903417  
Sacramento, CA 94203-4170
- Prepare and give to the lienholder<sup>1</sup> a report which includes:  
The value of the vehicle estimated pursuant to VC §22670.  
The identification of the estimator.  
The location of the vehicle.  
The description of the vehicle, including make, year model, identification number, license number, state of last registration, and if a motorcycle, the engine number.  
The statutory authority for the storage.
- If the vehicle is in such condition that there is no means of determining ownership, (missing VIN, etc.) the public agency which removed the vehicle may give authorization on the Public Agency Authorization of Disposal of Vehicle form, REG 462, to dispose of the vehicle.
- If no authorization for disposal of the vehicle is issued, a vehicle identification number shall be assigned prior to commencing the lien sale proceedings.



*Vehicles removed by public agencies under VC §22851.2, Disposition of Low-Valued Vehicles Removed for Reasons Other than Abandonment, may be dismantled or reregistered.*

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1. The lienholder in this instance is the person or entity who has interest in the vehicle due to storage and/or towing costs.

**6.040 Vehicles Sold at Lien Sales**

Vehicles sold at lien sales fall into two categories:

**1. Low Value Vehicles—\$4,000 or Less**

The procedure to be followed is described in §3072 of the Civil Code.

**2. Higher Value Vehicles—\$4,001 or More or From a Self-Storage Facility**

The procedure to be followed is described in §3071 of the Civil Code.

For lien sale purposes, the public agency, garage keeper, or agent, at the request of the public agency, shall determine the estimated value of the vehicle.

**6.050 Lien Sale Procedure For Vehicles Valued \$4,001 or More or Stored at Self-Service Storage Facilities (Civil Code §3071)**

When the value of a vehicle has been determined to be \$4,001 or more or the lien was created by a self-service storage facility, the lienholder must apply to the department for authorization to conduct the lien sale within 30 days of the date the lien arose (date the registered owner was billed or when the public agency impounded the vehicle).



*A self-service storage facility is any real property designed and used for renting or leasing individual storage space. This does not include a garage or other storage area in a private residence.*

All applications for authorization must be accompanied by a non-refundable processing fee and submitted to:

Department of Motor Vehicles  
Lien Sale Unit E143  
PO Box 932317  
Sacramento, CA 94232-3170

**Lien Sale Process**

<i>Step</i>	<i>Process</i>
1	Lienholder submits an Application for Authorization for Lien Sale (REG 656) and processing fee to DMV. Refer to Chapter 2 for fee.
2	<b>DMV</b> notifies by certified mail the owners and interested parties of the lien sale and gives them the opportunity to stop the sale. (Owners and interested parties have 10 days to oppose the sale.)

<i>Step</i>	<i>Process</i>	
2 cont'	<i>If the sale is...</i>	<i>then DMV sends...</i>
	opposed	lienholder a denial letter. Lienholder may pursue a court judgment to satisfy the lien. Procedure to obtain a court judgment is described in this chapter.
	not opposed	authorization to the lienholder.
3	At least 20 days prior to the sale the lienholder sends Notices of Sale to the owners of record, interested parties, and to the department.	
4	<p>At least 5 days (not more than 20 days) prior to the sale, not counting the day of sale, the lienholder must advertise the sale in a newspaper.</p> <p>If there is no newspaper of general circulation published in the county, the Notice of Sale must be posted in three of the most public places in the town where the vehicle is located and at the place where the vehicle is to be sold. This notice must be posted for 10 consecutive days prior to the date of sale.</p>	
5	The lienholder must have the vehicle available for inspection at least one hour before the sale.	
6	The lienholder conducts a sale in a businesslike fashion (sealed bids are not allowed).	
7	<p>After the sale the lienholder must:</p> <ul style="list-style-type: none"> <li>• keep the vehicle for a 10-day redemption period (the registered or legal owner may redeem the vehicle by paying all costs and expenses),</li> <li>• remove and destroy the license plates, and</li> <li>• within five days of the sale, submit a completed Notice of Release of Liability (REG 138) to the department.</li> </ul> <p>If there is no sale, the lienholder completes the REG 168 as both seller and buyer.</p>	



*All notices shall specify make, year model, vehicle identification number (and engine number for motorcycle), license number, state of registration, if available, date, exact time, and place of sale.*

**6.060 Lien Sale Documentation Requirements for High Value Vehicles, Over \$4,000 (Civil Code §3071)**

The following lien sale documents must be submitted by the dismantler to DMV before the vehicle can be dismantled.

1. Report of Vehicle to be Dismantled (REG 42).
2. Certification of Lien Sale for Vehicles Valued over \$4,000 (REG 168) completed by lienholder or agent, showing proper authorization to conduct sale.
3. Postal receipts.



*If a Declaration of Opposition is submitted, documentation must also include either:*

- *Certified copy of court judgment entered in favor of the lienholder, or*
- *Release of interest.*

4. Verification of Vehicle (REG 343) if there is no California record.
5. Bills of sale to complete chain of ownership.

If the lienholder had no buyer at the lien sale, the lienholder completes the REG 168 showing the lienholder as the buyer as well as the seller.

**6.070 Obtaining a Court Judgment When Declaration of Opposition is Submitted**

If the department receives a Declaration of Opposition, it will cancel the lien sale or the authorization requested by the lienholder possessing the vehicle or its agent. The only recourse for the lienholder is to pursue the matter in court. The lienholder is required to file a court action within 30 days of the department's notice and serve notice of the court date and action to the party that opposed the sale. The department has no statutory authority to authorize the lien sale.

After a Declaration of Opposition has been filed, the department will accept an application for registration if the court awards the lienholder a monetary judgment, and the judgment is not paid within 5 days of the judgment becoming final. The lien sale may continue if the lienholder still has possession of the vehicle.



**6.080 Lien Sale Procedure for Vehicles Valued At \$4,000 or Less (Civil Code §3072)**

<i>Step</i>	<i>Process</i>
1	The lienholder is required to obtain a DMV printout within 30 days of the date the lien arose (date the registered owner was billed for services or when public agency impounded the vehicle). Requests must be on a form approved by the department.
2	The lienholder sends notices of pending sale and Declaration of Opposition at least 31 days, but not more than 41 days, prior to the sale date to: <ul style="list-style-type: none"> <li>• Registered owner</li> <li>• Legal owner</li> <li>• Known interested parties</li> <li>• DMV</li> </ul>
3	The owners and interested parties have 10 days to oppose the sale.
4	If the department receives a Declaration of Opposition, notification must be sent within 16 days to the lienholder. Lienholder may pursue a court judgment to satisfy this lien. The procedures for a court judgment are discussed in this chapter.
5	At least 10 days prior to the sale, the lienholder must post a notice of the pending sale at the sale location.
6	The vehicle must be available for inspection at least one hour before the sale.
7	The lienholder conducts the sale in a businesslike fashion (sealed bids are not allowed).
8	There is no redemption period. The buyer may take immediate possession of the vehicle.



*All notices shall specify make, year model, vehicle identification number (and engine number for motorcycle), license number, state of registration, if available, date, exact time, and place of sale.*

**6.090 Lien Sale Clearance Requirements Low Value Vehicles, \$4,000 or Less (Civil Code §3072)**

The following lien sale documents are required to be submitted by the dismantler to DMV before the vehicle can be dismantled.

- Report of Vehicle to be Dismantled (REG 42).
- Certification of Lien Sale for Vehicles Valued at \$4,000 or Less (REG 168) completed by lienholder or agent, showing proper authorization to conduct sale.
- Postal receipts must be attached.
- Verification of Vehicle (REG 343), if no California record.
- Bills of sale to complete chain of ownership.

If the lienholder had no buyer at the lien sale, the lienholder completes the REG 168 showing themselves as the buyer as well as the seller.



*If a Declaration of Opposition is submitted, the clearance must also include either:*

- *A certified copy of the court judgment entered in favor of the lienholder, or*
- *A release of interest from the opposer.*